HON'BLE SMT. JUSTICE T. MEENA KUMARI

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HON'BLE SRI JUSTICE K.C. BHANU

Writ Petition No.25635 of 2005

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Dated:December 12, 2005

Between:

Mohd. Khaisar … Petitioner

And

The Station House Officer, Goshamahal, Hyderabad

And 6 others. … Respondents

Oral Order: (per the Hon'ble Smt. T. Meena Kumari, J)

1. On 17-11-2005 the petitioner issued a telegram to the Hon'ble the Chief Justice of Andhra Pradesh complaining about the action of the police personnel of the second respondent in taking him to the police station on 16-11-2005 at 11-15 a.m. when he was returning from Nampally Court and the third respondent harassing and beating him severely by removing his clothes and snatching away the cash of Rs.62,000/- and property document by threatening to kill him, if he denies to pay money as bribe. On being directed by the Hon'ble the Chief Justice, the statement of the complainant was recorded on 25-11-2005.

2. According to the petitioner, on 16-11-2005 he appeared before XXI

Metropolitan Magistrate Court in P.R.C.No.20 of 2005 and while he was coming out of the main gate of the Court Complex in his Maruthi van bearing No.AP 28A 2699 the police people in civil dress took him to the office of the second respondent. On the way they tortured and threatened to kill him. They further said that they will encounter him if he does not agree for the offences that are going to be put on him under various police stations. They have put him in one room of the second respondent and the police in civil dress and uniform have beat him with bamboo sticks and leather pads. He further stated in the telegram that the police tortured him from 12.30 noon to 11.45 p.m. in the night. One Mr.Osman, Constable of A.C.P. Office provided him medicines when he was shivering and he told him that if you provide some money to the Circle Inspector of Police, P.S. Shahinayatgunj and A.C.P. Goshamahal, they will not beat him. The petitioner informed the constable that there is an amount of Rs.62,000/- on the back seat of his vehicle and the police have taken that amount and asked him not to reveal the same to anyone and he was made out of the A.C.P. Office of Goshamahal at about 12 midnight.

3. The second respondent—Assistant Commissioner of Police, Goshamahal Division, Hyerabad has filed an affidavit denying the allegations made by the petitioner. The second respondent has also stated that the petitioner is a rowdy sheeter and was involved in nine cases. The police of Jubilee Hills Police Station have opened a rowdy sheet against the petitioner on

31-12-1999 and it is being continued and renewed from time to time and it stands extended up to 31-12-2005. From the past two years the petitioner is not residing in the address given in the telegram. The police are in search of the culprits in a robbery case pertaining to Jubilee Hills Police Station and a suspicion arose on the petitioner who is involved in such type of offences. The petitioner gave this telegram with an intention to prevent police from apprehending him at any time as he is out of view from the Jubilee Hills area and he did not give his present address to the police concerned where his sheet is maintained and his whereabouts are not known to the police since long time.

4. In view of the denial made by the second respondent and in view of the statement made in the counter that the petitioner is a rowdy sheeter and his whereabouts are not known since two years, we do not find any merit in the petition and it is accordingly dismissed.

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(Smt. T. Meena Kumari, J)

(K. C. Bhanu, J)

December 12, 2005.

svs